

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

BRIAN TACKETT individually, as
Personal Representative of the Estate
of Robbie Ann Tackett, and as
Guardian of Minor Children G.T. and
G.T.,

Plaintiffs,

v.

PROVIDENCE SACRED HEART
MEDICAL CENTER, and
KAVITHA CHAGANUR,

Defendants.

CASE NO: 2:24-CV-0262-TOR

JURY TRIAL SCHEDULING ORDER

BEFORE THE COURT is the parties' Joint Status Certificate (ECF No. 141).

The Court has reviewed the record and pleadings therein and is fully informed.

The Court enters the following scheduling order and strikes the Scheduling

Conference set for January 22, 2025, from the Court's calendar.

ACCORDINGLY, IT IS ORDERED:

General Court Procedures

1 Pursuant to Fed. R. Civ. P. 16(b)(4), the dates set forth in this Order may be
2 amended **only** by Order of the Court and upon a showing of good cause. Pursuant
3 to Fed. R. Civ. P. 29, the parties may stipulate to other procedures governing or
4 limiting discovery, except the dates set forth in this Order.

5 Counsel are to review and employ Local Civil Rule (LCivR) 83.1 (Civility)
6 and Washington Rule of Professional Conduct 3.4 (Fairness To Opposing Party
7 And Counsel).

8 **1. Mediation**

9 If parties elect to proceed to mediation, it should be completed as early as
10 possible to avoid the unnecessary expenditure of judicial resources.

11 **2. Rule 26(a)(1) Exchange**

12 If not already accomplished, the parties shall disclose their Fed. R. Civ. P.
13 26(a)(1) material no later than **January 21, 2025**.

14 **3. Motions to Amend Pleadings or Add Parties**

15 Any motion to amend the pleadings or add parties shall be filed
16 no later than **March 31, 2025**.

17 **4. Rule 26(a)(2) Expert Identification and Reports**

18 The parties are cautioned that failure to timely identify experts or provide
19 reports in accordance with Rule 26 and this scheduling order may result in
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1 exclusion of such testimony absent good reason. *See Wong v. Regents of the Univ.*
2 *of Cal.*, 410 F.3d 1052 (9th Cir. 2005).

1 **A. Plaintiff - Initial Expert Disclosures**

2 Each Plaintiff shall identify its experts and serve those experts' Rule
3 26(a)(2) reports on all other parties no later than **December 22, 2025**. Each
4 Plaintiff shall also provide dates for which those experts can be available for
5 deposition.

6 **B. Defendant - Initial Expert Disclosure**

7 Each Defendant shall identify its experts and serve those experts' Rule
8 26(a)(2) reports on all other parties no later than **January 19, 2026**. Each
9 Defendant shall also provide dates for which those experts can be available for
10 deposition.

11 **C. Plaintiff - Rebuttal Expert Disclosure**

12 Each Plaintiff shall identify its rebuttal experts and serve those experts' Rule
13 26(a)(2) reports on all other parties no later than **February 9, 2026**. Each Plaintiff
14 shall also provide dates for which those experts can be available for deposition.

15 **5. Discovery Cutoff**

16 **A. Generally**

17 All discovery, including depositions and perpetuation depositions, shall be
18 completed by **March 2, 2026** ("Discovery Cutoff"). To be timely, discovery
19 requests must be served sufficiently in advance of the deadline to allow for timely
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1 response by the cutoff date. The parties shall not file discovery, except those
2 portions necessary to support motions or objections.

3 **B. Depositions, Interrogatories, Requests for**
4 **Production/Admission**

5 Unless otherwise stipulated, no more than 10 depositions up to seven hours
6 long, may be taken by the plaintiffs, or by the defendants, or by third-party
7 defendants. Fed. R. Civ. P. 30(a)(2)(A) and (d)(1).

8 Unless otherwise stipulated, any one party may serve no more than 25 written
9 interrogatories, including discrete subparts, on any other party. Fed. R. Civ. P.
10 33(a)(1) and advisory committee notes (1993) explaining “discrete subparts”.

11 Unless otherwise stipulated, any one party may serve no more than 30
12 requests for production, including discrete subparts, on any other party. LCivR
13 34(d).

14 Unless otherwise stipulated, any one party may serve no more than 15
15 requests for admission, including discrete subparts, on any other party. LCivR
16 36(c).

17 A party needing relief from these limitations should timely seek relief from
18 the Court by motion.

19 **C. Protective Orders**

20 Any stipulation or motion for a confidentiality agreement or protective order
must be timely filed so as not to delay the discovery process or the Court’s

1 deadlines. If confidential records are attached to court filings, “compelling
2 reasons” must be shown to seal records attached to a dispositive motion and “good
3 cause” must be shown to seal records attached to a non-dispositive motion.
4 *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1178-80 (9th Cir.
5 2006).

6 **D. Motions to Compel**

7 To avoid wasted time and expense, the parties may contact chambers to
8 schedule a telephonic conference to obtain an expedited ruling on discovery
9 disputes. Motions to compel seeking sanctions shall be filed in writing.

10 **6. Dispositive and *Daubert* Motions**

11 All dispositive and *Daubert* motions shall be filed on or before **March 9,**
12 **2026.** Responses and replies to dispositive and *Daubert* motions shall comply with
13 LCivR 7. No supplemental responses or supplemental replies to any dispositive or
14 *Daubert* motion may be filed without Court permission.

15 Dispositive and *Daubert* motions shall be noted for hearing at least **fifty (50)**
16 **days** after the date of filing.

17 **7. Motion Practice**

18 **A. Notice of Hearing**

19 Parties are to comply with LCivR 7(i) when noting motions for hearing. All
20 dispositive motion hearings in which oral argument has been approved by the

1 Court will be set for appearance. The Court does not conduct dispositive motion
2 hearings via telephone or other remote means. Non-dispositive motions shall be
3 noted for hearing without oral argument.

4 **B. Motions to Expedite**

5 If there is a need to have a motion heard on an expedited basis, the party must
6 file a motion to expedite and an accompanying memorandum (or declaration)
7 establishing the need for an expedited hearing. The motion shall be noted for
8 hearing, without oral argument, no earlier than seven (7) days after the filing of the
9 motion, or two (2) days after the date of filing with prior permission from the
10 Court. Pursuant to local rule, motions (including stipulated motions) may **not** be
11 noted for hearing for the same they are filed.

12 **C. Citing Previously-Filed Documents**

13 All references to a previously filed document shall cite to the electronic case
14 filing (ECF) record number and page number within that ECF record, in the
15 following format, “ECF No. ___ at ___.” Such documents shall not be attached as
16 exhibits.

17 **D. Reliance on Deposition Testimony**

18 When a party relies on deposition testimony to support a position it takes in
19 support or opposition to an issue, that party shall provide the Court with the
20 pertinent excerpts of the deposition testimony relied upon and shall cite to page

1 and line numbers of the deposition it believes supports its position. *See generally*
2 LCivR 56(c). Submission of the entire deposition and/or failure to cite to specific
3 portions of the deposition may result in the submission being stricken from the
4 record. *See Orr v. Bank of America*, 285 F.3d 764, 774-75 (9th Cir. 2002).

5 **E. Supplemental Responses or Replies**

6 No supplemental responses or supplemental replies to any motion may be
7 filed unless the Court grants a motion to file such documents.

8 **F. Motions to Reconsider**

9 Motions to reconsider are disfavored. Motions must show manifest error in
10 the prior ruling or reveal new facts or legal authority which could not have been
11 brought to the Court's attention earlier. The motion shall be noted for expedited
12 hearing without oral argument seven days after it is filed. No response to a motion
13 for reconsideration need be filed unless requested by the Court. No motion for
14 reconsideration will be granted without such a request by the Court.

15 **G. Decisions on Motions**

16 The parties may call to inquire about the status of a decision on a motion if
17 the Court has not issued an order within **thirty (30) days after** the hearing on said
18 motion.
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1 **8. Witness/Exhibit Lists**

2 Witness/Exhibit lists shall be filed and served and exhibits made available for
3 inspection or copies provided to the parties on or before **April 20, 2026**.

4 **A. Witness Lists**

5 Witness lists shall include a brief description of the witness, a brief summary
6 of the witness' anticipated testimony, whether the witness will be called as an
7 expert, and any known trial date/time conflicts the witness may have.

8 **B. Exhibit Lists**

9 Exhibit lists shall include a brief description of the exhibit. All exhibits shall
10 be pre-marked with Plaintiffs' exhibits numbered 1-499 and Defendants' exhibits
11 numbered 500-999. Exhibits shall be marked in the lower right corner of the
12 exhibit when practicable. Electronic exhibits shall also be marked with exhibit
13 stickers containing only the exhibit number as described above. No other
14 numbering (e.g. Bates numbering) shall be included on the exhibit sticker.

15 **C. Objections**

16 Objections to witnesses/exhibits shall be filed and served on or before **April**
17 **27, 2026**, AND SHALL BE HEARD AT THE PRETRIAL CONFERENCE. All
18 objections to witnesses shall set forth a legal basis and explanation for the
19 objection. Objections to an exhibit or portion thereof, shall be accompanied by a
20 full and complete copy of the exhibit in question and a short legal explanation for

1 the objection. The party seeking the admission of the witness or exhibit has five
2 (5) days, excluding federal holidays and weekends, to file a response to the
3 opposing party's objection; no reply shall be filed.

4 **9. Deposition Designations**

5 **A. Generally**

6 Designation of substantive, as opposed to impeachment, deposition or prior
7 testimony to be used at trial shall be highlighted in yellow by Plaintiff or in blue by
8 Defendant in a complete transcript of the deposition or prior testimony and served
9 but not filed on or before **April 20, 2026**.

10 **B. Cross-Designations**

11 Cross-designations shall be highlighted in yellow by Plaintiff or in blue by
12 Defendant in the transcript containing the opposing party's initial designations and
13 shall be served but not filed on or before **April 27, 2026**.

14 **C. Objections**

15 All objections to designated deposition or prior testimony and the legal bases
16 for the objections, shall be filed and served on or before **May 4, 2026**. Any
17 designated deposition or prior testimony objected to shall be underlined in black in
18 a complete yellow/blue highlighted copy of the deposition/prior testimony
19 transcript described above. A paper copy of the underlined document shall be filed
20 and served with the objections. The party seeking admission of the testimony has

1 five (5) days, excluding federal holidays and weekends, to file a response; no reply
2 shall be filed. If the deposition was videotaped, and the videotape is to be used at
3 trial, the party seeking to use the videotaped deposition shall indicate the relevant
4 portion on both the written transcript and the videotape. Similarly, objections shall
5 be made on the written transcript as explained above along with the applicable time
6 stamp on the video tape noted. All objections to deposition and prior testimony
7 designations shall be heard and resolved at the pretrial conference with the
8 videotape available for display.

9 **10. Motions in Limine**

10 All unresolved substantive or evidentiary issues that may foreseeably arise
11 during trial shall be addressed by motions in limine to be filed and served on or
12 before **April 27, 2026**. Such motions will be addressed and resolved at the pretrial
13 conference. However, motions in limine may not reargue issues already decided
14 by the Court.

15 **11. Pretrial Order**

16 **A. Generally**

17 A joint proposed pretrial order prepared in accordance with LCivR 16(e) shall
18 be filed on or before **May 18, 2026**, and a copy e-mailed, in Microsoft Word
19 format, to “riceorders@waed.uscourts.gov”.
20

1 **B. Exhibit List**

2 The list of exhibits contained in the Joint Proposed Pretrial Order shall reflect
3 the exhibit marking scheme described above. In preparing the Joint Proposed
4 Pretrial Order, the parties shall confer regarding duplicative exhibits and determine
5 which party will submit such exhibits for trial. Copies of the parties' witness and
6 exhibit lists shall be e-mailed to the Court at riceorders@waed.uscourts.gov.

7 **12. Trial Briefs, Voir Dire, and Jury Instructions**

8 **A. Generally**

9 Trial briefs, requested *voir dire*, and jointly proposed jury instructions shall be
10 filed and served on or before **May 18, 2026**.

11 **B. Trial Brief Length**

12 Trial briefs shall not exceed twenty (20) pages without prior court approval.
13 To obtain court approval, a party must file a motion to file an overlength brief,
14 demonstrating good cause why supplemental briefing is necessary.

15 **C. Jury Instructions**

16 The parties' jointly proposed jury instructions shall include a table of
17 contents, preliminary instructions, final substantive instructions, and a verdict
18 form. The instructions shall be sequentially numbered and include a citation of
19 authority for each. The instructions shall, at a minimum, include instructions
20 regarding the elements of each claim or defense, the relief sought, and otherwise

1 comply with LCivR 51(a). A party proposing a Jury Instruction that differs from a
2 Ninth Circuit Model Civil Jury Instruction should submit a memorandum
3 analyzing cases to support the modification.

4 **D. Individually Proposed Jury Instructions**

5 If the parties are unable to agree on certain instructions, they are to submit
6 individually proposed jury instructions no later than the date the jointly proposed
7 instructions are due. All individually submitted proposed jury instructions must
8 adhere to the format described above and not repeat the jointly proposed
9 instructions.

10 **E. Objections**

11 Any objections to the opposing party's individually submitted proposed
12 instructions must be filed no later than five (5) days, excluding federal holidays
13 and weekends, after the individual proposed instructions were filed. All objections
14 shall set forth the basis for the objection and briefly explain why the instruction in
15 question should not be used or should be altered.

16 **F. Courtesy Copies**

17 Counsel are instructed to e-mail courtesy copies of their **jointly** and
18 **individually** proposed jury instructions, as well as their respective witness and
19 exhibit lists, in Microsoft Word format, to riceorders@waed.uscourts.gov.
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1 **13. Pretrial Conference**

2 A pretrial conference will be held on **May 27, 2026, at 9:00 a.m.**, in Spokane
3 Courtroom 902. All parties trying the case must appear for the pretrial conference.

4 **14. Trial**

5 The jury trial shall commence on **June 8, 2026, at 8:30 a.m.**, in Spokane
6 Courtroom 902. Counsel shall appear at 8:30 a.m. on the first day of trial to
7 address any pending pretrial matters. Jury selection will begin promptly at 9:00
8 a.m.

9 **The telephonic Scheduling Conference scheduled for January 23, 2025,**
10 **is STRICKEN from the Court's calendar.**

11 IT IS SO ORDERED.

12 The District Court Clerk is directed to enter this Order and provide copies to
13 the parties.

14 DATED January 16, 2025.



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A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE
United States District Judge